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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 13, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:08od-093

Oahu

Consent to Assign Lease of Non-Exclusive Easement S-5315, Estate of Makino Shigeko, Assignor, to Takasagoden U.S.A., Inc., Assignee; Amendment of Lease of Non-Exclusive Easement S-5315; Heeia, Koolaupoko, Oahu, Tax Map Key 4-6-01:10 seaward.

APPLICANT:

Estate of Makino Shigeko, assignor, to Takasagoden U.S.A., Inc., assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Koolaupoko situated at Heeia Koolaupoko, Oahu, seaward of Tax Map Key: 4-6-01:10 sea as shown on the attached map labeled Exhibit A.

AREA:

1,938 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO X

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, and repair the seawall and for landscaping, stairway and storage shed purposes only.

TERM OF LEASE:

55 years, commencing on June 12, 1992 and expiring on June 11, 2047.

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CONSIDERATION:

\$10.00.

DCCA VERIFICATION:

| | | | | |
|---|-----|----------|----|---------------|
| Place of business registration confirmed: | YES | <u>x</u> | NO | <u> </u> |
| Registered business name confirmed: | YES | <u>x</u> | NO | <u> </u> |
| Applicant in good standing confirmed: | YES | <u>x</u> | NO | <u> </u> |

REMARKS:

At its June 12, 1992 meeting the Board approved the issuance of a term non-exclusive easement for seawall, landscaping, stairway and storage shed purposes to the owner of the abutting private property, Mrs. Shigeko Makino. Mrs. Makino (recently deceased) transferred the abutting property to Takasagoden U.S.A., Inc. by way of a warranty deed dated June 17, 1998. The subject easement was not included in the 1998 transaction. Staff became aware that the subject easement should also be under Takasagoden when Takasagoden signed for a pier lease under the Kaneohe Bay Pier Amnesty Program.

Recent seawall easement approvals allow the easement to inure to the benefit of the abutting property. The grantee only needs to inform his successor of our requirement for liability insurance when the abutting property is sold. Staff is requesting the subject easement be amended to add such condition.

RECOMMENDATION: That the Board:

1. That the Board consent to the assignment of Lease of Non-Exclusive Easement No. S-5315 from the Estate of Makino Shigeko, Assignor, to Takasagoden U.S.A., Inc., Assignee, subject to the following:
 - A. The standard terms and conditions of the most current consent to assignment document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Amend Lease of Non-Exclusive Easement S-5315 to include the condition: "The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: 4-6-01:10, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee

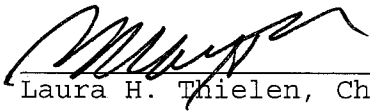
shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document".

Respectfully Submitted,



Al Jodan
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

Dwg No: 3458
 Source: Ld Ct App 100, File Plan 282
 By: G.B.E.I.K.N. - Feb 1940

HEEIA, MOLOKAI, OAHU, HAWAII

